

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

REO
CHARLES ANTHONY KEGLER,
127802, Plaintiff, 2005 NOV 22 A 9:56

VS.

DEBRA P.I. CIVIL ACTION NO:
U.S. DIST 2:05-cv-619-F (WO)
GEENDOLYN Mosley, et al., MIDDLE
Defendant's,

PLAINTIFF'S OBJECTION TO MAGISTRATE
JUDGE'S ORDER DATED
NOVEMBER 02, 2005.

COMES NOW, CHARLES ANTHONY KELGER, proceeding Pro-SE,
in the above styled Cause, and respectfully submits and files
this the " PLAINTIFF'S OBJECTION TO THE MAGISTRATE JUDGE'S
ORDER DATED NOVEMBER 02, 2005.

Plaintiff would file such Objection under RULE ~~26~~ 72 (A)
F.R.CIV.P. 2005.

Plaintiff avers that MAGISTRATE JUDGE WALKER continuously
keeps denying the Plaintiff any opportunity to start or begin
Discovery proceedings.

Without said Discovery, how can the Plaintiff hope to
prosecute said Action and even possibly win this Action??

Plaintiff avers that the F.R.CIV.P. " STRONGLY FAVORS
DISCOVERY WHENEVER POSSIBLE." SEE: FARNSWORTH VS. PROCTER
& GAMBLE CO., 758 F.2d. 1545. (11th Cir. 1985).

Plaintiff further avers that the purpose of Discovery
after a Motion for Summary Judgement, " Is to TEST THE TRUTH
OF ALLEGATIONS OF THE PELADINGS". SEE:

CHARASH VS. OBERLIN COLLEGE, 14 F.3rd. 291 (6th Cir. 1994).

According to the case of: PACITTI VS. MACY'S, 193 F.3rd. 766 (3rd. Cir. 1999), that Honorable Court held,: " Federal Rules allow Broad and Liberal Discovery."

In the case of: MOORE VS. MCDONALD, 30 F.3rd. 616, (5TH Cir. 1994), that Court held that: " CIVIL RIGHT'S COMPLAINT'S ARE TO BE LIBERALLY CONSTRUED."

Plaintiff avers that, without being allowed any Discovery what-so-ever, the Plaintiff is and would be unable to bring forth the necessary proof needed in Order to prove his Case. Furthermore, by allowing Discovery, the Plaintiff would thus be able to provide this Honorable Court with Hopefully the correct working address of Nurse Teal, since Process upon Defendant Teal, has yet to be completed.

This is DENYING the Plaintiff his right to a fair and Just opportunity to fully show and prosecute his claims, and furhter more DENIES the Plaintiff of everything that the United States Constitution provides to prisoners. The Best interest of Justice IS NOT being served with the Magistrate Judge doing everything in her power to Deny the Plaintiff, every possible chance to prove and show that his claims against the Defendant's are Just and proper.

WHEREFORE, premises considered, the Plaintiff Prays that this Honorable Court would thus DENY the magistrate Judge's RECOMMENDATION, and thus the Plaintiff would furthermore, respectfully request the privilege of being allowed to begin and start his Discovery Procedures, to obtain the necessary proof to or in order to be able to win his claims.

DATED: NOVEMBER 8, 2005.

Respectfully Submitted,

Charles Anthony Kegler
CHARLES ANTHONY KEGLER
AIS # 127802 6-B
EASTERLING CORR. FAC.
200 WALLACE DRIVE
CLIO, AL. 36017

CERTIFICATE OF SERVICE

I hereby certify that on this the 8 day of November, 2005 that I have served a copy of the foregoing OBJECTION TO MAGISTRATE JUDGE'S ORDER DATED NOVEMBER 02, 2005, on the Defendant's Attorney's by placing same in the Institutional Mailbox, with First Class Postage affixed and properly addressed as follows:

MR. TROY KING ATTN. gen.
MR. JEFFREY H. LONG ASSIST. ATTN. gen.
ALA. STATE HOUSE
11 SOUTH UNION ST.
MONTGOMERY AL 36130

Charles G. Kegler
CHARLES ANTHONY KEGLER